

Courtroom Minute Entry

Room: Judge Tinsley Charleston
Caption: USA v. Theodore Miller

Case No.: 2:24-cr-00145
Judge: Judge Aboulhosn

Type: IA & AR

Started: 9/12/2024 10:56:18 AM

Ends: 9/12/2024 11:27:30 AM

Length: 00:31:13

10:56:22 AM Judge Omar Aboulhosn
10:56:22 AM Courtroom Deputy Tammy Davis
10:56:23 AM Court Reporter: Court Smart
10:56:24 AM AUSA Holly Wilson
10:56:25 AM AFD David R. Bungard
10:56:26 AM Defendant Theodore Miller
10:56:32 AM USPO Michele Wentz
10:56:42 AM **INITIAL APPEARANCE ON INDICTMENT**
11:02:01 AM Calls case.
11:02:06 AM Counsel please note your appearances for the record.
11:02:08 AM AUSA Holly Wilson
11:02:09 AM Notes appearance on behalf of the United States.
11:02:11 AM AFD David R. Bungard
11:02:12 AM Notes appearance on behalf of the defendant.
11:02:14 AM Judge Omar Aboulhosn
11:02:17 AM States basis of hearing.
11:02:20 AM Places the defendant under oath.
11:02:35 AM Before I get into the Arraignment Hearing, the Court received an amended financial affidavit from
11:03:36 AM the defendant. Is the information you put in the amended financial true?
11:03:58 AM Defendant Theodore Miller
11:04:00 AM Yes, to the best of my knowledge.
11:04:06 AM Judge Omar Aboulhosn
11:04:13 AM Discusses any income the defendant receives from TikTok and rental properties.
11:05:16 AM Let's go through the list of properties.
11:09:17 AM AFD David R. Bungard
11:09:19 AM I will object at this point, your honor.
11:09:30 AM Judge Omar Aboulhosn
11:09:32 AM Discusses debt owed to bank/investors.
11:10:17 AM AFD David R. Bungard
11:10:19 AM Discusses the Promissory Notes to other individuals is debt.
11:10:36 AM Judge Omar Aboulhosn
11:10:38 AM Continues to discuss property and Liens, and Promissory Notes.
11:13:17 AM AFD David R. Bungard
11:14:19 AM Addresses the liabilities and debts.
11:14:32 AM Judge Omar Aboulhosn
11:14:40 AM I want it to be clear what the debt is.
11:15:53 AM I think it is fair to leave it up to the District Judge as to the financial and if the defendant should
11:16:15 AM contribute to his defense.
11:16:33 AM States rights of defendant and defendant acknowledges these rights.
11:16:42 AM It is my understanding the defendant was ordered detained on a Complaint, is that correct?
11:17:03 AM AFD David R. Bungard
11:17:05 AM Yes.
11:17:23 AM Defendant Theodore Miller
11:17:58 AM States personal information
11:18:00 AM Judge Omar Aboulhosn
11:18:02 AM States additional rights of defendant and defendant acknowledges these rights.
11:18:36 AM **ARRAIGNMENT HEARING**
11:18:39 AM States violation(s) in charging document and possible penalties.
11:20:01 AM Questions defendant about Indictment related matters.
11:20:16 AM Defendant pleads NOT GUILTY to charge(s) contained in the Indictment.
11:20:20 AM **This case has been assigned to United States District Judge Irene C. Berger.**
11:20:23 AM **Your trial is scheduled for 9:00 a.m. on October 21, 2024, here in Charleston.**

11:20:31 AM There will be a pretrial motions hearing held before me at 11:00 a.m. on October 3, 2024, in Charleston.

11:20:37 AM Counsel, I assume your client does not waive the right to appear at the pretrial motions hearing?

11:20:40 AM AFD David R. Bungard

11:20:42 AM No sir. Defendant does not waive the right to be present at the pretrial motions hearing.

11:20:44 AM Judge Omar Aboulhosn

11:20:50 AM Thank you, you may be seated.

11:20:51 AM Parties have elected the standard discovery, pretrial motions, voir dire and witness list dates

11:21:01 AM given. As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to

11:21:04 AM the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner

11:21:08 AM may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of

11:21:12 AM charges and contempt proceedings.

11:21:18 AM Is there anything else we need to take care of?

11:21:27 AM AFD David R. Bungard

11:21:30 AM I would renew our request for detention.

11:21:55 AM We are asking for consideration for Mr. Miller's release on bond.

11:22:13 AM Discusses this is a white-collar fraud charge. There was no violence.

11:23:05 AM Mr. Miller's family brought to me his passport that I have.

11:23:18 AM Discusses the government's concern about the defendant fleeing when Judge Tinsley heard this

11:24:33 AM matter. Discusses Mr. Miller would not oppose any restrictions the Court would place on him.

11:24:51 AM Judge Omar Aboulhosn

11:24:54 AM I don't know procedurally that I can do anything. Judge Berger would need to rule on your motion.

11:26:06 AM I would expect Judge Berger to rule on that sooner than later.

11:26:57 AM **Defendant is remanded to the custody of the US Marshals pending further order of the Court.**

11:27:23 AM Hearing adjourned.